

September 7, 2010 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Tuesday, September 7, 2010 at 6:00 P.M.

Council President Christopher T. Semonelli, Presiding

Vice Chairman Richard Cambra

Councillor Frank A. Bozyan

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia

Councillor Barbara A. VonVillas, Members Present

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4., and 42-46-5. (a) (2) Collective Bargaining (Police, Fire, Public Works and Town Hall Unions), (1) personnel (Town Administrator) and (5) lease (JFK).

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 6:01 P.M. and reconvene in executive session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 6:45 P.M.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve changes to the Police contract, as negotiated by the Town Administrator, and authorize the Town Administrator to execute said contract.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously, given that the JFK property is not being utilized at this time for Town purposes, to authorize the Town Administrator to enter into an agreement to lease said property.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7.

Councillor Silveira recused himself from acting on the following item #1 of business, due to a possible conflict of interest, business related.

ACTING AS A BOARD OF LICENSE COMMISSION

1. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2010-2011 licensing year. (Requires Advertising for Public Hearing)

(See attached list)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to advertise said license renewal applications for a public hearing to be held at the October 4, 2010 regular meeting of the board.

Vice Chairman Cambra requested to have items #8 and #9 be heard under the Town Council portion of the agenda.

CONSENT CALENDAR

- 1. Approval of Minutes – Regular Meeting, August 16, 2010.**

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

2. Resolution of Town of Narragansett, re: Opposing Unfunded Mandates.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said resolution.

3. Application for Special Event Permit from Eident Sports Marketing, Amica 19.7 Newport, Sprint Triathlon to be held on Middletown Streets, Second Beach,(See Attached Traffic Plan and Letters of Support) on Saturday, September 25, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said permit.

4. Application for Special Event Permit from Quahoag Chapter, Camp-O-Rama to be held at Second Beach beginning September 15,

2010 until September 19, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said permit.

5. Resolution of the Council, re: Proclaiming September as “Ovarian Cancer Awareness Month”.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

6. Memorandum of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

7. Resolution of the Council, re: Cancellation for certain Middletown taxpayers.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

8. Memorandum of Town Administrator, with enclosure, re: Municipal Financial Report – Quarter ending June 30, 2010.

Councillor VonVillas questioned the school surplus line item in the amount of \$656,555. and the funding for the Aquidneck School project.

Finance Director Lynne Dible, responding to Councillor VonVillas, explained that a portion of the surplus is unrestricted and was used

for operations and improvements.

Councillor Sylvia noted his understanding; during the budget process, that there was a school surplus of \$60,000.

Finance Director Lynne Dible noted \$300,000. from the school surplus is being used to balance the FY11 budget.

Councillor Sylvia requested a report of the School Department Fund balance be provided at the next regular meeting of the Council.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and report.

9. Communication of Tax Assessor, with enclosures, re: Cancellation of taxes for Middletown taxpayers.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

Councillor Santos requested an updated report to be provided at the next regular meeting of the Council, concerning contracted services within the Tax Assessor's office and the Aquidneck School project.

10. Resolution of the Council, re: Cancellation of taxes for Middletown taxpayers.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

11. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional

Hours of Operation, for the 2010-2011 licensing year. (Requires Advertising for Public Hearing) (See attached list)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to advertise said license renewal applications for a public hearing to be held at the October 4, 2010 regular meeting of the Council.

TOWN COUNCIL

1. Application of Zicai Zhang dba Heng Yu Xuan, 936 Aquidneck Avenue, for a Holiday License for the 2010-2011 licensing year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

2. Application of Cardi's Department Store, Inc., dba Cardi's

Furniture Mattresses, 1235 West Main Road, for a Holiday License for the 2010-2011 licensing year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

3. Application of Applebee's Restaurants North, LLC dba Applebee's Neighborhood Grill & Bar, 349 West Main Road, for an Amusement License (KARAOKE – THURSDAY NIGHTS) for the 2010-2011 licensing year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

4. Application of 5 Tallwood Drive Realty, LLC dba Fred the Rug Man for a Hawker's License, for the 2010-2011 licensing year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

5. Memorandum of Wind Turbine Committee dated August 30, 2010, re: Proposed Zoning Ordinance amendments – Article 25A, Wind Turbines.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Christine Forster, Wind Turbine Committee Chair, addressed the Council requesting the Council to vote against the proposed amendments to the wind turbine ordinance. Ms. Forster reviewed the memorandum entered here:

Manuel Mello, Beacon Terrace North, suggested an ordinance be established regulating fees paid by National Grid for electricity

produced by Wind Turbines.

Peter Tarpgaard, 5 Longmeadow Avenue, Wind Turbine Committee Member, expressed his opposition to the proposed amendments. Mr. Tarpgaard noted the amendments would cause difficulties as to where wind turbine could be placed.

6. Memorandum of Wind Turbine Committee dated August 31, 2010, re: Proposed Zoning Ordinance amendments – Article 25A, Wind Turbines.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

7. Memorandum of Arthur S. Weber, Jr., Chairman, Middletown Planning Board, with enclosure, re: Proposed Zoning Ordinance Amendments – Article 25A, Wind Turbines. (Requires Advertising for Public Hearing)

John Bagwill, 587 Tuckerman Avenue, addressed the Council noting the proposed amendments to the Wind Turbine Ordinance were initiated when it was realized Wind Turbines were not considered within the Town's Comprehensive Community Plan.

Councillor VonVillas questioned the language in the proposed amendment, noting concern with the words significant and dominating.

Art Weber, Planning Board Chairman, 145 Island Drive, explained that the amendment completes the wind turbine ordinance making it consistent with the Town's Comprehensive Plan. Mr. Weber recommends having a public hearing on the ordinance amendment.

Councillor Sylvia noted his support for a public hearing.

Antone Viveiros, 110 Indian Hill Road, noted his belief that all wind turbines should be decided on by individual basis.

On motion of Vice Chairman Cambra, duly seconded, it was voted to receive said memorandum and advertise the proposed amendment for hearing to be held at the October 18, 2010 regular meeting of the Council; Council President Semonelli, Vice Chairman Cambra, Councillors Bozyan, Santos, Silveira, Sylvia VOTED YES to said motion; Councillor VonVillas voted NO to said motion.

8. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 36, Fee Schedule, Section 54, Burning Permit Fee.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

9. Communication of Manuel J. Mello, Jr., Beacon Terrace North, re: Request to discuss the new building on the corner of West Main Road and Valley Road.

Manuel Mello, Beacon Terrace North, expressed concern with the close proximity of the new building to the road at the corner of West Main and Valley Roads.

Building Official Jack Kane, responding to Mr. Mello noted that the building does comply with the zoning code.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

10. Memorandum of Councillor Sylvia, re: Request for Town Administrator stipend.

Town Administrator Shawn Brown submitted a letter of recusal from this item entered here:

Councillor Sylvia reviewed his memorandum entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Councillor VonVillas noted that the only issue is how a onetime stipend would affect Mr. Brown's pension.

Councillor Sylvia noted that he requested this item to be discussed in open session to provide transparency for the public.

On motion of Councillor Bozyan, duly seconded, it was voted to table this matter; Council President Semonelli and Councillor Bozyan voted YES to said Motion; Vice Chairman Cambra, Councillors Santos, Silveira, Sylvia and VonVillas voted NO to said motion; MOTION FAILED TO PASS.

On motion of Councillor Silveira, duly seconded, it was voted to defer said stipend discussion to executive session, during the Town Administrator evaluation process; Council President Semonelli, Councillors Bozyan, Santos and Silveira voted YES to said motion; Vice Chairman Cambra, Councillor Sylvia and Councillor VonVillas voted NO to said motion.

11. Communication of Eric Godin, Athletic Director, Middletown High School, re: Request for support by placing an ad in the 2010 Fall Sports Program.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and approve a ¼ page ad

(cost \$195.) in the Souvenir Booklet to be appropriated from the Council President's discretionary fund.

12. Communication of Cheryl G. Robinson, President, Turning Around Ministries, Inc., re: Request for support by participating in the September 11, 2010 Walk-A-Thon and a contribution to TAM to help reach the fundraising goal.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and authorize a contribution from the President's discretionary fund in the amount of \$100.00 to help TAM reach the fundraising goal.

13. Communication of Joyce Williams, President, Newport County Branch, NAACP, re: Request support by placing an ad in the NAACP 91st Anniversary Souvenir Booklet.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said communication and approve a full-page ad (cost \$125.) in the Anniversary Souvenir Booklet to be appropriated from the Council President's Discretionary Fund.

14. Communication of Betty Jane Northrup-Owen, re: Resignation from the Middletown Conservation Commission.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and accept resignation with regret.

15. Communication of Saverio DeRuggiero, re: Resignation from the Tax Assessment Review Board as of October 31, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and accept resignation with regret.

16. Appointment of three (3) members to the Library Board of Trustees, two for terms expiring September 2013 and one vacancy to complete a term expiring September 2011.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint Stephen Arendt and Sarah M. Gauch for terms expiring September 2013 and appoint Ernest Gibbons to complete a term expiring September 2011 to the Library Board of Trustees.

17. Appointment of one (1) member to the Roads/Utilities Advisory Committee to complete a term expiring March 2012.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appoint Michael Fenton to the Roads/Utilities Advisory Committee to complete a term expiring March 2012.

18. Appointment of two (2) members to the Substance Abuse Prevention Task Force 1) to complete a term expiring March 2011 and 2) to complete a term expiring April 2012.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appoint Fredlin M. Bennett to complete a term expiring March 2011 and appoint Susan Schenck to complete a term expiring April 2012 to the Substance Abuse Prevention Task Force.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

Manuel Mello, Beacon Terrace North, noted his concern with the current project at Aquidneck School explaining there is an open detention pond area. Mr. Mello requests the Council and Fire Department to review the project.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 8:13 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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